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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/777,012	02/06/2001	Christophe Le Roy	ATOCM-197	5473

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EXAMINER

PATTERSON, MARC A

ART UNIT	PAPER NUMBER
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1772

DATE MAILED: 09/26/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/777,012

Applicant(s)

LE ROY ET AL.

Examiner

Marc A Patterson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 February 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 7.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1 – 20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 1 – 20 include letters in parentheses (A, B, C, C1, C2, D, D1, D2, E, F, F1, F2, as in ‘polyamide (A), polyolefin (B1), etc.), which are indefinite as it is unclear whether the letters denote special formulations of the components. The term ‘EVOH’ in Claims 1 – 20 is indefinite as the term has not been defined. For purposes of examination, the term will be assumed to mean ‘ethylene vinyl alcohol.’

3. Claim 3 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The phrases ‘5 to 30 parts’ and ‘95 to 70 parts’ are indefinite, as their meanings are unclear. For purposes of examination, the phrases will be assumed to mean ‘5 to 30 parts per hundred’ and ‘95 to 70 parts per hundred.’ The phrases ‘a density of 0.910 to 0.940’ and ‘a density of 0.910 to 0.930’ are indefinite as no units of density are given. For purposes of examination, the phrases will be assumed to mean 0.910 to 0.940 grams per cubic centimeter (g/cm^3). The phrase ‘chosen from’ is indefinite, as its meaning is unclear. For purposes of examination, the phrase will be assumed to mean ‘selected from the group consisting of.’ The

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phrase '(ASTM D 1238 – 190 degrees Celsius – 2.16 kg)' is indefinite, as it defines a standard which may change with time. It also contains the term 'ASTM,' which has not been defined.

4. Claim 4 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The phrase 'is advantageously' is indefinite, as it is unclear whether the range of density is being claimed or not. For purposes of examination, it will be assumed that the range is being claimed. The phrase 'a density of 0.915 to 0.920' is indefinite as no units of density are given. For purposes of examination, the phrase will be assumed to mean 0.915 to 0.920 grams per cubic centimeter (g/cm^3).

5. Claim 6 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The phrases '5 to 30 parts' and '95 to 70 parts' are indefinite, as their meanings are unclear. For purposes of examination, the phrases will be assumed to mean '5 to 30 parts per hundred' and '95 to 70 parts per hundred.' The phrase 'a density of 0.930 to 0.950' is indefinite as no units of density are given. For purposes of examination, the phrase will be assumed to mean 0.930 to 0.950 grams per cubic centimeter (g/cm^3). The phrase 'chosen from' is indefinite, as its meaning is unclear. For purposes of examination, the phrase will be assumed to mean 'selected from the group consisting of.' The phrase '(ASTM D 1238 – 190 degrees Celsius – 21.6 kg)' is indefinite, as it defines a standard which may change with time. It also contains the term 'ASTM,' which has not been defined. The phrase 'melt flow index between 5 and 100' is

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indefinite, as no units of melt flow index are given. For purposes of examination, the units will be assumed to be grams/10 minutes (g/10 min).

6. Claim 7 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The phrase 'a density of 0.920 to 0.930' is indefinite as no units of density are given. For purposes of examination, the phrase will be assumed to mean 0.930 to 0.950 grams per cubic centimeter (g/cm³). The phrase 'MFI' is indefinite, as it has not been defined. For purposes of examination, the phrase will be assumed to mean 'melt flow index.' The phrase 'melt flow index between 5 and 100' is indefinite, as no units of melt flow index are given. For purposes of examination, the units will be assumed to be grams/10 minutes (g/10 min). The term 'containing 2 to 40% by weight of insolubles in n – decane at 90 degrees Celsius' is indefinite, as it is unclear what chemical products 'insolubles' refer to (The polyethylene itself? It is partially insoluble in n – decane at 90 degrees Celsius). For purposes of examination, the claim will be assumed to be directed to any polyethylene grafted with maleic anhydride.

7. Claim 8 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The phrases '2 to 30 parts' and '70 to 98 parts' are indefinite, as their meanings are unclear. For purposes of examination, the phrases will be assumed to mean '2 to 30 parts per hundred' and '70 to 90 parts per hundred.' The phrases 'a density of 0.920 to 0.930' and 'a density of 0.910 to 0.940' is indefinite as no units of density are given. For purposes of

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examination, the phrases will be assumed to mean 0.910 to 0.940 grams per cubic centimeter (g/cm^3).

Claim 9 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The terms 'HDPE,' 'LLDPE,' 'VLDPE' and 'LDPE' are indefinite as the terms have not been defined. For purposes of examination, the terms will be assumed to mean 'high density polyethylene,' 'linear low density polyethylene,' 'very low density polyethylene' and 'low density polyethylene,' respectively. The term 'type' is indefinite, as it is unclear if the polyethylenes are being claimed or not. For purposes of examination, it will be assumed that the polyethylenes are being claimed. For purposes of examination, it will be assumed that the polyethylenes are being claimed. The phrases '5 – 35%,' and '0 – 35%' are indefinite as their meanings are unclear. For purposes of examination, the phrase will be assumed to be directed to weight percentages.

8. Claims 11 – 12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The phrase 'chosen from' is indefinite, as its meaning is unclear. For purposes of examination, the phrase will be assumed to mean 'selected from the group consisting of.'

9. Claim 13 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as

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the invention. The phrase 'which results from the reaction of a polyamide with a copolymer comprising polypropylene and a grafted or copolymerized unsaturated monomer X' is indefinite as the reaction has not been defined, nor has unsaturated monomer 'X.'

10. Claim 14 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The terms 'LLDPE' and 'VLDPE' are indefinite as the terms have not been defined. For purposes of examination, the terms will be assumed to mean 'linear low density polyethylene,' and 'very low density polyethylene,' respectively. The term 'type' is indefinite, as it is unclear if the polyethylenes are being claimed or not. For purposes of examination, it will be assumed that the polyethylenes are being claimed.

11. Claim 15 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The phrase 'chosen from' is indefinite, as its meaning is unclear. For purposes of examination, the phrase will be assumed to mean 'selected from the group consisting of.' The terms 'PA6,' 'PA12' and 'PTMG' are indefinite, as the terms have not been defined. For purposes of examination, the terms will be assumed to mean 'polyamide 6', 'polyamide 12' and 'polytetramethylene glycol.'

12. Claim 16 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The terms 'LLDPE' and 'VLDPE' are indefinite as the terms have not been

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defined. For purposes of examination, the terms will be assumed to mean 'linear low density polyethylene,' and 'very low density polyethylene,' respectively. The term 'type' is indefinite, as it is unclear if the polyethylenes are being claimed or not. For purposes of examination, it will be assumed that the polyethylenes are being claimed.

13. Claim 17 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The phrase 'can react' is indefinite, as it is unclear if a reaction to form a crosslinked phase is being claimed or not. For purposes of examination, it will be assumed that a reaction is not being claimed.

14. Claim 18 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The phrase 'and more particularly tubes, tanks, chutes, bottles and containers' is indefinite, as it is unclear if tubes, tanks, chutes, bottles and containers are being claimed or not. For purposes of examination, it will be assumed that any device is being claimed.

15. Claim 19 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The phrases '5 to 30 parts' and '95 to 70 parts' are indefinite, as their meanings are unclear. For purposes of examination, the phrases will be assumed to mean '5 to 30 parts per hundred' and '95 to 70 parts per hundred.' The phrases 'a density of 0.910 to 0.940' and 'a

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density of 0.910 to 0.930' are indefinite as no units of density are given. For purposes of examination, the phrases will be assumed to mean 0.910 to 0.940 grams per cubic centimeter (g/cm^3). The phrase 'chosen from' is indefinite, as its meaning is unclear. For purposes of examination, the phrase will be assumed to mean 'selected from the group consisting of.' The phrase '(ASTM D 1238 – 190 degrees Celsius – 2.16 kg)' is indefinite, as it defines a standard which may change with time. It also contains the term 'ASTM,' which has not been defined. The phrase 'MFI' is indefinite, as it has not been defined. For purposes of examination, the phrase will be assumed to mean 'melt flow index.'

16. Claim 20 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The phrases '5 to 30 parts' and '95 to 70 parts' are indefinite, as their meanings are unclear. For purposes of examination, the phrases will be assumed to mean '5 to 30 parts per hundred' and '95 to 70 parts per hundred.' The phrases 'a density of 0.910 to 0.940' and 'a density of 0.910 to 0.930' are indefinite as no units of density are given. For purposes of examination, the phrases will be assumed to mean 0.910 to 0.940 grams per cubic centimeter (g/cm^3). The phrase 'chosen from' is indefinite, as its meaning is unclear. For purposes of examination, the phrase will be assumed to mean 'selected from the group consisting of.' The phrase '(ASTM D 1238 – 190 degrees Celsius – 2.16 kg)' is indefinite, as it defines a standard which may change with time. It also contains the term 'ASTM,' which has not been defined. The phrase 'MFI' is indefinite, as it has not been defined. For purposes of examination, the phrase will be assumed to mean 'melt flow index.' The phrase 'melt flow index between 5 and 100' is

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indefinite, as no units of melt flow index are given. For purposes of examination, the units will be assumed to be grams/10 minutes (g/10 min).

17. The claims are generally narrative and indefinite, failing to conform with current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors.

Claim Rejections - 35 USC § 102

18. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

19. Claims 1, 7, 11 – 14 and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Beuzelin et al (U.K. Patent No. 2288177).

With regard to Claim 1, Beuzelin et al disclose a structure comprising, successively, a first layer of high density polyethylene, a layer of binder, and a second layer of ethylene vinyl alcohol (page 13, line 11 and lines 16 – 23); the binder is a mixture of polyamide and polyolefin and polyamide (polyamide grafted onto polyolefin; page 4, lines 16 – 29; page 5, lines 1 – 29; page 6, lines 1 – 4), and the structure comprises a third layer of binder (page 13, line 11); the structure therefore comprises a third layer of a mixture of polyamide and polyolefin (bonding the ethylene vinyl alcohol layer to a polystyrene layer; however, as the claimed third layer is

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'optional,' it is not necessary for Beuzelin et al to disclose the third layer for Beuzelin et al to qualify as prior art under 35 U.S.C. 102 (b)).

With regard to Claim 7, the binder is a polyethylene grafted with maleic anhydride (page 5, lines 6 – 11), and a melt flow index of 7 g/10 min (page 22, lines 5 – 8) and a density between 0.920 and 0.930 g/cc.

With regard to Claims 11 – 12, the third layer comprises a high density polyethylene and very low density polyethylene (page 9, lines 7 – 19) cografted with an unsaturated carboxylic acid (fumaric acid; page 5, lines 12 – 29).

With regard to Claim 13, the third layer comprises polypropylene and another polyolefin (page 9, lines 7 – 19).

With regard to Claim 14, the third layer comprises a mixture of polyethylene and very low density polyethylene and an ethylene – alkyl methacrylate – maleic anhydride copolymer (page 5, lines 6 – 27).

With regard to Claim 18, Beuzelin et al discloses a food container which contains a fluid (air) consisting of the structure (page 15, lines 16 – 23); the barrier layer is therefore in direct contact with the fluid which is contained.

Claim Rejections - 35 USC § 103

20. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

21. Claims 2 – 6, 8 and 19 – 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Beuzelin et al (U.K. Patent No. 2288177).

Beuzelin et al disclose a laminate structure comprising a layer of binder as discussed above. With regard to Claim 2, Beuzelin et al fail to disclose two layers of binder between the ethylene – vinyl alcohol layer and polystyrene layer. However, Beuzelin et al disclose one layer of binder between the ethylene – vinyl alcohol layer and polystyrene layer, as discussed above. Therefore, the number of layers of binder would be readily determined through routine optimization by one having ordinary skill in the art depending on the desired end use of the product. It therefore would be obvious for one of ordinary skill in the art to vary the number of layers of binder, since the number of layers of binder would be readily determined through routine optimization by one having ordinary skill in the art depending on the desired end result as shown by Beuzelin et al. *In re Boesch and Slaney*, 205 USPQ 215 (CCPA 1980).

With regard to Claims 3, 6 and 19 – 20, Beuzelin et al disclose a third layer which comprises a mixture of polyethylene and very low density polyethylene having a density of between 0.880 and 0.970 (page 9, lines 7 – 19) and a melt flow index of 7 g/10 min (page 22, lines 5 – 8); Beuzelin et al fail to disclose a polymer which comprises a third layer which comprises 70 – 95% of a mixture of polyethylene and very low density polyethylene and a content of grafted unsaturated carboxylic acid between 30 and 10,000 ppm.

However, Beuzelin et al disclose a layer which comprises at least 1% of a mixture of polyethylene and very low density polyethylenes having a density of between 0.880 and 0.970 (the layer comprises a mixture of polyethylene and very low density polyethylenes having a density of between 0.880 and 0.970; page 9, lines 1 – 19) and a content of grafted unsaturated

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carboxylic acid of 0.005 to 5% by weight of grafted carboxylic acid (page 5, lines 17 – 24).

Therefore, the amount of the polyethylene mixture and the amount of grafted carboxylic acid would be readily determined through routine optimization by one having ordinary skill in the art depending on the desired end use of the product. It therefore would be obvious for one of ordinary skill in the art to vary the amount of the polyethylene mixture and the amount of grafted carboxylic acid, since the amount of the polyethylene mixture and the amount of grafted carboxylic acid would be readily determined through routine optimization by one having ordinary skill in the art depending on the desired end result as shown by Beuzelin et al *In re Boesch and Slaney*, 205 USPQ 215 (CCPA 1980).

With regard to Claim 4, the density of the binder is between 0.880 and 0.970 g/cm³ (page 9, lines 7 – 19).

With regard to Claim 5, the polyethylene is linear low density polyethylene (page 9, lines 7 – 19).

With regard to Claim 8, the grafted polyethylene is mixed with ethylene – vinyl acetate copolymer (page 11, lines 11 – 14); both the grafted polyethylene and ethylene – vinyl acetate have densities between 0.880 and 0.970. Beuzelin et al do not teach that the ethylene vinyl acetate is grafted; the claimed aspect of the grafted polyethylene being ‘diluted with an ungrafted polyethylene’ therefore reads on Beuzelin et al. Beuzelin et al fail to disclose from 70 to 98 % by weight non – grafted polyethylene.

However, Beuzelin et al disclose at least 1% by weight non – grafted polyethylene by weight (the mixture comprises non – grafted polyethylene; page 11, lines 11 – 14. Therefore, the amount of non – grafted polyethylene would be readily determined through routine optimization

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by one having ordinary skill in the art depending on the desired end use of the product. It therefore would be obvious for one of ordinary skill in the art to vary the amount of non – grafted polyethylene, since the amount of non – grafted polyethylene would be readily determined through routine optimization by one having ordinary skill in the art depending on the desired end result as shown by Beuzelin et al *In re Boesch and Slaney*, 205 USPQ 215 (CCPA 1980).

22. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Beuzelin et al (U.K. Patent No. 2288177) in view of Zhang et al (U.S. Patent No. 5,516,583).

Beuzelin et al disclose a laminate structure comprising a layer of binder as discussed above. The binder consists of very low density polyethylene (page 9, lines 7 – 19), 5 – 35% by weight grafted polyethylene and 5 – 45% by weight polystyrene elastomer (page 3, lines 18 – 24; page 10, lines 24 – 29; page 11, lines 1 – 14). Beuzelin et al fail to disclose a polyethylene which is a metallocene polyethylene.

Zhang et al teach the use of metallocene polyethylene in the making of an adhesive (column 4, lines 17 – 30) for the purpose of making an adhesive having excellent extrudability (column 2, lines 24 – 32).

It therefore would have been obvious for one of ordinary skill in the art at the time Applicant's invention was made to have provided for metallocene polyethylene in Beuzelin et al in order to make an adhesive having excellent extrudability as taught by Zhang et al.

23. Claims 10 and 15 – 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Beuzelin et al (U.K. Patent No. 2288177) in view of Melot et al (U.S. Patent No. 5,998,545).

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Beuzelin et al disclose a laminate structure comprising a layer of binder comprising polyamide as discussed above. With regard to Claims 10 and 15, Beuzelin et al fail to disclose a polyamide which comprises a copolymer comprising polyamide 6 and polytetramethylene glycol blocks.

Melot teaches the grafting of styrene – polyolefin blends with copolymers having polyamide 6 blocks and polytetramethylene glycol blocks (column 4, lines 15 – 19) for the purpose of making films having good stability after extrusion (column 4, lines 59 – 67).

It therefore would have been obvious for one of ordinary skill in the art at the time Applicant's invention was made to have provided for a copolymer having polyamide 6 blocks and polytetramethylene glycol blocks in Beuzelin et al in order to make films having good stability after extrusion as taught by Melot.

With regard to Claim 16, the binder disclosed by Beuzelin et al comprises a mixture of polyethylene and very low density polyethylene and an ethylene – alkyl methacrylate – maleic anhydride copolymer (page 5, lines 6 – 27).

With regard to Claim 17, the binder disclosed by Beuzelin et al comprises two functionalized polyolefins comprising at least 40% ethylene (low density polyethylene and linear low density polyethylene; page 9, lines 7 – 19); the claimed aspect of the polyolefins comprising 50% ethylene therefore reads on Beuzelin et al

Conclusion

24. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marc Patterson, whose telephone number is (703) 305-3537. The

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examiner can normally be reached on Monday through Friday from 8:30 AM to 5:00 PM. If attempts to reach the examiner by phone are unsuccessful, the examiner's supervisor, Harold Pyon, can be reached at (703) 308-4251. FAX communications should be sent to (703) 872-9310. FAXs received after 4 P.M. will not be processed until the following business day.

Marc A. Patterson, PhD.

Marc Patterson

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[Signature]
HAROLD PYON
SUPERVISORY PATENT EXAMINER
1772

9/23/02